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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,105	10/27/2003	Jimmy H. Bryan	22-0675	3081

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EXAMINER

SHALLENBERGER, JULIE A

ART UNIT	PAPER NUMBER
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2885

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/694,105

Applicant(s)

BRYAN, JIMMY H.

Examiner

Julie A. Shallenberger

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/13/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-19 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-19 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/8/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, and 4 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 37 of U.S. Patent No. 6,340, 235.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim the same essential parts and structure.

U.S. Patent No. 6,340, 235 includes a receptacle with an illumination means in the interior compartment, interfacing means (power adapter), a powering means (the power source), and a processing means (the electrical accessory such as a portable computer).

In regard to claim 4, a plug by definition is made to be removably connectable.

Specification

The status and patent numbers of the cited documents in the first paragraph must be added to update the application information.

Drawings

The drawings are objected to because the reference numerals in figure 7 (20,22,24,26,and 42) are inconsistent with the specification and figure 6 (for example: "20" should be -64-)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 9, 10, 13-15, 18, 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann (5,001,462) in view of Gaukel (6,100,806).

It is noted that the microphone, display, GPS feature, and vibrator are only entitled to the filing date of the present application, 10/27/03, because that is when these features were first introduced.

Seeman teaches a receptacle system that is a purse which camouflages an interior illumination means 22 and has an access to the liner cavity containing an alarm device, but lacks the teaching of an interfacing device,

Gaukel teaches a receptacle system for powering an electronic device comprising a receptacle 30 having an interior compartment, interfacing means for interfacing electronic device 34 (telephone which can be used for contacting emergency assistance), processing means 36 with audible alert that can be detected over a telecommunication device (cl.9 – col. 8 lines 56-59), powering means 38 (rechargeable battery) supplying electronic device, power supply jacks 37a and 37b via cable 39 and conventional battery charging apparatus (cl.18 – see col. 15 lines 59-61), audio and visual alarm means (col. 15 lines 52-53), microphone 23 for voice activation (col. 14 line 19) and sound detection (cl.10), antenna 35, GPS 32 for determining the location of the receptacle, an illuminating means 82, and a band 20 for remote activation of the device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the electronic equipment taught by Gaukel to the receptacle taught by Seeman in order to have more convenient access to various equipment such has a GPS or computer or to make these devices more easily portable.

Claims 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann and Gaukel as applied to claims 1 and 6 above, and further in view of Miyashita.

Seemann and Gaukel teach the invention described above, but lack the teaching of a silent vibrating alarm connected to the electronic device for operation when a call is received and vibrating device as is commonly done so as to not disturb others.

Miyashita teaches a vibration means for alerting when incoming calls are received on an electronic device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the vibrating means taught by Miyashita to silently alert when an incoming call is received on the electronic device in order to not disturb others in proximity of the device when the alert is triggered.

It is noted that the electronic device taught by Gaukel is located adjacent to the carrying strap 31 (cl. 17 - see figure 3).

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann and Gaukel, and further in view of Leibowitz (6,132,059).

Seemann and Gaukel teach the invention described above, but lack the teaching of a display screen mounted on the exterior of the receptacle.

Leibowitz teaches a display screen 30 on the exterior of a receptacle 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the display device taught by Leibowitz to Gaukel's receptacle in order to display the GPS or other visually pleasing images that appeal to the users aesthetic taste.

Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann, Gaukel, and Miyashita and further in view of Leibowitz.

Seemann and Gaukel teach the invention described above, but lack the teachings of a vibration means for alerting when incoming calls are received on an electronic device and a display screen mounted on the exterior of the receptacle.

Miyashita teaches a vibration means for alerting when incoming calls are received on an electronic device.

Leibowtiz teaches a display screen 30 on the exterior of a receptacle 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the vibrating means taught by Miyashita to silently alert when an incoming call is received on the electronic device in order to not disturb others in proximity of the device when the alert is triggered and to add the display device taught by Leibowtiz to the receptacle in order to display the GPS or other visually pleasing images that appeal to the users aesthetic taste.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hill (5,764,132) teaches an alarm device that is place in the liner of a purse.


Teal (5,005,111) and Castaldo (3,800,134) both teach illumination devices for the interior of a purse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie A. Shallenberger whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julie Shallenberger
Examiner AU 2885



RENEE LUEBKE
PRIMARY EXAMINER